

WAIVER OF POTENTIAL CONFLICT OF INTEREST

FILED

JUL - 9 2014

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

Alvis Porter, Sr., do hereby state as follows:

I understand that potential or real conflicts of interest can occur when one law firm represents two or more persons who are involved in the same federal investigation.

I understand that the law firm of DiTrapano, Barrett, DiPiero, McGinley & Simmons, PLLC, represents Steve Herndon, Gary Roeher and Scott Edward Ellis in connection with the same federal investigation in which my name has come up.

It is my present belief that, under the existing circumstances, the law firm of DiTrapano, Barrett, DiPiero, McGinley & Simmons, PLLC, can represent me without adversely affecting my interests or the attorney-client relationship with the other named defendants in connection with the same federal investigation in which I am involved. I believe our interests are separate. Nevertheless, it is understood that I and the other clients mentioned above are free to seek independent counsel, at any time, so that our respective interests are separately and independently represented in connection with this matter. I also understand that confidential communications will be maintained. After considering all of the above, I agree to waive these conflicts or potential conflicts of interest that may be implicated in having the law firm of DiTrapano, Barrett, DiPiero, McGinley & Simmons, PLLC simultaneously represent each person and therefore show my waiver of potential conflict of interest by signing below.

Mr. DiPiero has also advised that, although unlikely, it is possible that I could be called upon to testify against Mr. Herndon, Mr. Roeher or Mr. Scott, and if that happened, Mr. DiPiero would have a conflict and would likely have to withdraw from representing me. I understand that, if such a situation did arise, I would likely have to hire another attorney to represent me. Even understanding that this could happen, I still wish Mr. DiPiero to continue to represent me.

Agreed to this 24th day of June, 2014.



Alvis Porter, Sr.